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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,734	06/12/2001	Ronald Llewellyn Burges	CNF-001	4876

7590 10/04/2004

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EXAMINER

WRIGHT, NORMAN M

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

M

Office Action Summary	Application No.	Applicant(s)
	09/879,734	BURGES ET AL.
	Examiner Norman M. Wright	Art Unit 2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Norman M. Wright
**NORMAN M. WRIGHT
PRIMARY EXAMINER**

DETAILED ACTION

1. Claims 1-16 are present for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9 and 12, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by WO 99/37054, hereinafter '054.
4. As to claims 1-7, 9 and 12, '054 teach a method of controlling access, at least one user, a remote server, a communication link, allocating disk storage, unique to at least one user, allowing user to access storage, username, password, encrypted data, an encrypted path /SSL / session key exchange, a digital certificate, public key, allowing at least one other user, authentication of users, electronic safety deposit system, account based internet server, downloading or uploading documents, centralized server, data confidentiality, integrity, repudiation, and proof. See "054 at abs., related art, summary, pgs. 7-12, 15, claims 1-6, 9-10, 24, 25-27, 29, and 33, and figs. 1-3.
5. Claims 1- 12, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by An et al., U.S. Pat. No. 6,715,073, hereinafter '073.

6. As to claims 1- 12, '073 teaches a secure server having a method and apparatus comprising: controlling access, at least one user, a remote server, a communication link, allocating disk storage, unique to at least one user, allowing user to access storage, username, password, encrypted data, a digital certificate, managed by user, an internet services, an encrypted path /SSL / session key exchange, a digital certificate, public key, allowing at least one other user, authentication of users, electronic safety deposit system, account based internet server, downloading or uploading documents, centralized server, data confidentiality, integrity, repudiation, and proof, account holder, electronic deposit box, central server, downloading or uploading documents. See abstract, figs. 1-4, 6-9, col. 4, line 28 et seq., and cols. 5-8.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over '073 as applied to claims 1-12.

9. As to claims 13-16, '073 substantially teaches the claimed invention as recited above, not explicitly taught is the apparatus being embodied as a program on a computer readable medium.

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10. The examiner takes official notice of both the motive and modification necessary for placing a computer related invention on a computer readable or program medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to place the invention of '073 on a computer readable medium, by augmenting the invention to be stored as software, firmware or placing it on one of various magnetic or optical mediums. A person of ordinary skill in the art would have been motivated to perform such a modification because, the use of optical and magnetic medias are well known in the art as means of storing, implementing, and shipping computer program products. One of ordinary skill in the art would have readily realized that the use of these well established medias or programs could be utilized in the computer related invention of '073, because, inevitable every computer invention will have to be loaded or stored in a computer for storage, initialization, or execution. This is notoriously well known in the art.

11. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over "054 as applied to claims 1-7, 9, 12.

12. As to claims 13-16, '054 substantially teaches the claimed invention as recited above, not explicitly taught is the apparatus being embodied as a program on a computer readable medium.

13. The examiner takes official notice of both the motive and modification necessary for placing a computer related invention on a computer readable or program medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to place the invention of '054 on a computer readable medium, by augmenting the

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invention to be stored as software, firmware or placing it on one of various magnetic or optical mediums. A person of ordinary skill in the art would have been motivated to perform such a modification because, the use of optical and magnetic medias are well known in the art as means of storing, implementing, and shipping computer program products. One of ordinary skill in the art would have readily realized that the use of these well established medias or programs could be utilized in the computer related invention of '054, because, inevitable every computer invention will have to be loaded or stored in a computer for storage, initialization, or execution. This is notoriously well known in the art.

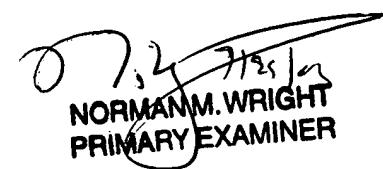
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Norman M. Wright at telephone number (703) 305-9586.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (703) 305-9586. The examiner can normally be reached on Mondays from 8am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse, can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



D. M. Wright
NORMANN M. WRIGHT
PRIMARY EXAMINER